IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1919 OF 2007
IN
REVIEW PETITION (ST) No.10576 of 2007
IN
WRIT PETITION NO.1935 OF 2006
Along with
REVIEW PETITION (ST) NO.10576 OF 2007.

1. Balkrishna Sheena Shetty
and ors. .. Applicants/
Petitioners

Vs

Janab Mazoonsaheb Sayedi
and ors. ..Respondents.

Mr R.G.Ketkar, for the applicants/petitioners.
Mr N.V.Walawalkar, senior counsel for Mr M.J.Shetty for respondent no.11.

CORAM : D.B.BHOSALE, J.
DATED : 6th August, 2007.

P.C.:

1. Heard the learned counsel for the parties. Leave to amend the undertaking filed by the petitioners in pursuance of the order dated 2.3.2007 is granted.The amendment to be carried out forthwith. By this order, petitioner no.1 was directed to file an usual undertaking in this Court within four weeks. The undertaking was not filed by the petitioners despite specific directions. Earlier the undertaking was filed by one Ashok Bhandari, who is in possession of the suit premises on behalf of the petitioners and claims to be their power of Attorney. The

undertaking filed by him was not proper and usual undertaking. Hence, the petitioners filed the aforesaid undertaking. It is taken on record.

2. By this civil application, the applicants are seeking condonation of 33 days delay in filing the review petition. The only explanation offered by the applicants is that they were collecting information for filing review petition and hence there is some delay which deserves to be condoned. It appears that the application for seeking information under the Right to Information Act, 2005 was filed on 12.3.2007 and it was responded by the Mumbai Municipal Corporation on 7.4.2007. The review was filed almost a month thereafter and, that too, under the signature of Ashok Bhandari, the Constituted Attorney of petitioner no.1. Review is filed by both the petitioners. It appears that Ashok Bhandari has an authority to file the review petition on behalf of petitioner no.1 only and he had no power to file review petition on behalf of petitioner no.2. At the outset, I am not satisfied with the explanation offered by the applicants for seeking condonation of delay in filing the review petition, apart from the fact that no case for review is made out. Considering the overall facts and circumstances of the case and the manner in which these proceedings

have been prosecuted by Ashok Bhandari, the Constituted Attorney of petitioner no.1, I am satisfied that no case for condonation of delay in filing the review petition is made out. The civil application for condonation of delay is accordingly rejected. As a consequence thereof, the review petition also stands disposed of.

3. The undertaking filed by petitioner no.1 for himself and on behalf of petitioner no.2 dated 3.8.2007 is accepted. Accordingly, the petitioners are directed to vacate the suit premises on or before 31.8.2007. Request for extension of time to vacate, made at this stage, is rejected.

(D.B.Bhosale,J.)